

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

C'ERRA DAWN CLARK,

Defendant.

CR-13-36-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 4, 2015. (Doc. 56). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-152 (1986). The Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 3, 2015. (Doc. 52.) Clark admitted to having violated standard condition 6 of her supervised release by failing to notify her probation officer at least ten days prior to a change in residence. (*Id.*) Clark also admitted to violating special conditions 1 and 2 of her supervised release by failing to participate in substance abuse testing and

treatment, respectively. (*Id.*) Judge Johnston found the evidence sufficient to establish that Clark violated the conditions of her supervised release. (*Id.*)

Judge Johnston recommends that the Court revoke Clark's supervised release and that the Court sentence Clark to four (4) months imprisonment followed by twenty-eight (28) months of supervised release. (Doc. 56.) Judge Johnston further recommends that the conditions of supervised release previously imposed should remain in effect. (*Id.*)

Clark's criminal history category is I, the current violation is a Grade C, and the underlying offense is a Class C felony. The statutory range is a maximum of 24 months. The statutory and guideline term of supervised release is 32 months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Clark's current violation is serious in nature. A sentence of four (4) months imprisonment with a term of twenty-eight (28) months supervised release to follow is sufficient, but not greater than necessary. Clark was released following the Revocation Hearing. She is hereby ordered to self-report to the United States Marshals at the Roosevelt County Detention Center in Wolf Point, Montana no later than noon on September 23, 2015.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 56) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant C'erra Dawn Clark shall be sentenced to **four (4) months imprisonment** followed by **twenty-eight (28) months of supervised release**.

DATED this 16th day of September, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Brian Morris
United States District Court Judge